

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC., a)	
Canadian corporation, and J-SQUARE)	
TECHNOLOGIES (OREGON) INC., an)	
Oregon corporation,)	
)	
Plaintiffs,)	
v.)	C.A. No. 04-CV-960-SLR
MOTOROLA, INC., a Delaware corporation.)	
Defendant.)	

**EXHIBIT S TO
MOTOROLA'S RESPONSE TO PLAINTIFFS'
MOTION FOR PROTECTIVE ORDER**

YOUNG CONAWAY STARGATT & TAYLOR, LLP
/s/ William W. Bowser

William W. Bowser (Bar I.D. 2239)
The Brandywine Building, 17th Floor
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Lewis and Roca LLP
40 N. Central Avenue
Phoenix, Arizona 85004
Telephone: (602) 262-5311
Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC.; and
J-SQUARED TECHNOLOGIES
(OREGON), INC.,

Plaintiffs,

vs.

MOTOROLA, INC.,

Defendant.

C.A. No. 04-CV-960-SLR

**DEFENDANT'S SECOND SET OF INTERROGATORIES,
REQUESTS FOR ADMISSION, AND REQUESTS FOR
PRODUCTION TO J-SQUARED TECHNOLOGIES, INC.**

**TO: PLAINTIFFS J-SQUARED TECHNOLOGIES, INC. AND ITS
COUNSEL:**

Pursuant to Federal Rule of Civil Procedure 33, Motorola, Inc. ("Motorola") requests that plaintiff answer the following interrogatories in writing and under oath within thirty days from the date hereof. Pursuant to Federal Rule of Civil Procedure 36, Motorola also requests that plaintiff respond to the following requests for admission in writing within thirty days from the date hereof. Pursuant to Federal Rule of Civil Procedure 34, Motorola also requests that plaintiff produce the following documents within thirty days from the date hereof, care of Cory Talbot at Lewis and Roca, 40 North Central, Phoenix, AZ 85004-4429.

Instructions for Use

A. All information is to be divulged that is in the possession of the plaintiff, its attorneys, investigators, agents, employees, or other representatives.

B. When an interrogatory calls for an answer that involves more than one part, each part of the answer should be clearly set out so that it is understandable.

refer to JST's responses or to interrogatories, requests for admission, or requests for production previously directed to JST.

Q. Pursuant to Federal Rule of Civil Procedure 26(e), these interrogatories, requests for admission, and requests for production of documents shall be deemed continuing in nature, and Motorola requests that plaintiff supplement its responses and its production of documents to include all information up to and including the date of the trial in this action.

Interrogatories

17. In paragraph eight of the Complaint, Plaintiffs alleged that JST "represents a number of manufacturers throughout Canada." Identify with specificity the number of manufacturers that JST represented in Canada from January 2000 through December 2003 and that JST currently represents, including the name of the manufacturer, the effective date of the manufacturer representative contract, the termination and term/duration language in the manufacturer representative contract, and the types of products being sold. To the extent that JST provides copies of these contracts pursuant to Request for Production No. 17 *infra*, it does not need to respond to this Interrogatory.

RESPONSE:

18. To the extent not covered by your response to Interrogatory No. 17, explain with specificity how JST became a manufacturer representative for Interphase, including how JST made contact with Interphase, when JST entered into its contract with Interphase, the termination and term/duration language in JST's manufacturer representative contract with Interphase, and whether JST's affiliation with Motorola contributed in any way to JST's contract with Interphase. If JST is not a representative for Interphase, please explain its contractual relationship, if any, with Interphase. To the

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Oregon corporation,)	
)	
Plaintiffs,)	
v.)	C.A. No. 04-CV-960-SLR
)	
MOTOROLA, INC., a Delaware)	
corporation.)	
)	
Defendant.)	

NOTICE OF SERVICE

I, William W. Bowser, Esquire, hereby certify that on March 1, 2006,
copies of **Defendant's Second Set of Interrogatories, Requests for Admissions, and
Requests for Production to J-Squared, Inc. and Certificate of Service** were served
upon the following counsel:

David Allan Felice, Esquire (By Hand Delivery)
Cozen & O'Connor
Chase Manhattan Centre
1201 North Market, Suite 1400
Wilmington, DE 19801

Kevin F. Barry, Esquire (By First Class Mail)
Cozen & O'Connor
1900 Market Street
Philadelphia, PA 19103

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MOTOROLA, INC., a Delaware)
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Defendant.)

CERTIFICATE OF SERVICE

I, William W. Bowser, Esquire, hereby certify that on March 1, 2006, I electronically filed a true and correct copy of the foregoing **Notice of Service** with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

David Allan Felice, Esquire
Cozen & O'Connor
Chase Manhattan Centre
1201 North Market, Suite 1400
Wilmington, DE 19801

I further certify that on March 1, 2006, I mailed by United States Postal Service the foregoing **Notice of Service** to the following non-registered participant:

Kevin F. Barry, Esquire
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1900 Market Street
Philadelphia, PA 19103

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**DEFENDANT'S SECOND SET OF INTERROGATORIES,
REQUESTS FOR ADMISSIONS, AND REQUESTS FOR
PRODUCTION TO J-SQUARED TECHNOLOGIES (OREGON), INC.**

TO: J-SQUARED TECHNOLOGIES (OREGON), INC. AND ITS COUNSEL:

Pursuant to Federal Rule of Civil Procedure 33, Motorola, Inc. ("Motorola") requests that plaintiff answer the following interrogatories in writing and under oath within thirty days from the date hereof. Pursuant to Federal Rule of Civil Procedure 36, Motorola also requests that plaintiff respond to the following requests for admission in writing within thirty days from the date hereof. Pursuant to Federal Rule of Civil Procedure 34, Motorola also requests that plaintiff produce the following documents within thirty days from the date hereof, care of Cory Talbot at Lewis and Roca, 40 North Central, Phoenix, AZ 85004-4429.

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B. When an interrogatory calls for an answer that involves more than one part, each part of the answer should be clearly set out so that it is understandable.

to JSO's responses or to interrogatories, requests for admission, or requests for production previously directed to JSO.

Q. Pursuant to Federal Rule of Civil Procedure 26(e), these interrogatories, requests for admission, and requests for production of documents shall be deemed continuing in nature, and Motorola requests that plaintiff supplement its responses and its production of documents to include all information up to and including the date of the trial in this action.

Interrogatories

22. In paragraph nine of the Complaint, Plaintiffs alleged that JSO "represents a number of manufacturers throughout the United States." Identify with specificity the number of manufacturers that JSO represented in the United States from January 2000 through February 2004 and that JSO currently represents, including the name of the manufacturer, the effective date of the manufacturer representative contract, the termination and term/duration language in the manufacturer representative contract, and the types of products being sold. To the extent that JSO provides copies of these contracts pursuant to Request for Production No. 18, it does not need to respond to this Interrogatory.

RESPONSE:

23. Describe with specificity the total amount of commissions Motorola paid JSO from April 1, 2003 to the present and identify all facts and documents that support your answer.

RESPONSE:

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